

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

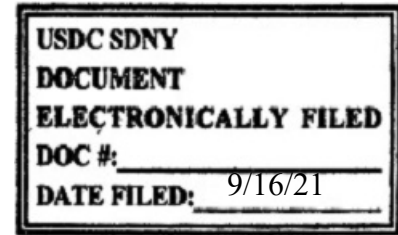
LG CAPITAL FUNDING, LLC,

Plaintiff,

-against-

E-WASTE SYSTEMS, INC.,

Defendant.



20-CV-4474 (PGG) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

In my Scheduling Order for Damages Inquest dated November 20, 2020 (Scheduling Order) (Dkt. No. 24), I directed plaintiff to file its Proposed Findings of Fact and Conclusions of Law (Proposed Findings) no later than January 20, 2021; provided detailed guidance regarding the content of the Proposed Findings; and directed the defaulted defendant to file its opposition papers, if any, no later than February 22, 2021. In addition, I directed plaintiff to serve the defaulted defendant by mail, at its last known address, with its Proposed Findings, any supporting materials, and "a copy of this Order," and to file proof of such service on the docket in this action. Sched. Order ¶ 7. The purpose of the service requirement, of course, was to provide the defaulted defendant with notice of the inquest, including its opportunity to respond to plaintiff's submission and the date by which it was required to do so.

Plaintiff timely filed its Proposed Findings on January 20, 2021 (Dkt. No. 28), along with an affidavit of service (Dkt. No. 29) attesting that it served the Proposed Findings and supporting materials on defendant. The affidavit of service does *not* show, however, that it also served the Scheduling Order on the defaulted defendant. The affidavit of service is the last entry on the docket; the defaulted defendant did not respond to the Proposed Findings.

Accordingly, it is hereby ORDERED:

1. If plaintiff timely served the Scheduling Order on defendant, but simply neglected to list it in its January 20, 2021 affidavit of service, plaintiff may file a supplemental proof of service on the docket no later than **September 20, 2021**.
2. If plaintiff has not yet served the Scheduling Order on defendant (or it is not certain whether it did or did not), it shall do so promptly – no later than **September 20, 2021 – at which time it shall also serve a copy of this Order** on the defaulted defendant at its last known address. Thereafter, plaintiff shall promptly file proof of such service on the docket, and defendant may have until **October 8, 2021**, to file its opposition, if any, to the Proposed Findings.

Dated: New York, New York
September 16, 2021

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge